

Remarks and Argument

In the Official Action dated 28 August 2002, the various 22 January 2001-filed claims were rejected as being "indefinitely non-compliant" under 35 U. S. Code 112. In this regard, it is respectfully urged that the herein submitted: Claim 2(Amended), Claim 3, Claim 4, Claim 6, Claim 8, Claim 9, and the sole remaining independent claim (Claim 10), all comply with the requirements of 35 U. S. Code 112.

In the Official Action dated 28 August 2002, the 22 January 2001-filed independent Claim number 1 was twice rejected under 35 U. S. Code 102: once upon the sole basis of Fig. 1 of U. S. Patent 5,246,749 to HANDZLIK; and alternatively on the sole basis of Fig. 44 of U. S. Patent 6,412,197 to KRULL.

The 35 U. S. Code 102 Rejection over HANDZLIK

As set forth at line-9 of applicant-Bland's 22 January 2001-filed Claim number 1 and at lines-4 & 5 of superceding independent Claim number 10, applicant-Bland's horizontally-vibratory and topically-ornamental column is relegatevely confined to the walking shoe lower-base rear-end. In counterdistinction, HANDZLIK's columnar antenna (3) is stiffly non-vibratory and is attached to a forward portion and above the lower-base of HANDZLIK's walking shoe (2).

The 35 U. S. Code 102 Rejection over KRULL

As set forth at line-9 of applicant-Bland's 22 January 2001-filed Claim number 1 and at lines 4 & 5 of superceding independent Claim number 10, applicant-Bland's horizontally-vibratory and topically-ornamental column is relatively confined to the walking shoe lower-base rear-end. In counterdistinction, KRULL's columnar spring 506 (though admittedly being horizontally vibratory) is attached to the forward toe portion (91) and above the sole lower-base (99) of walking shoe (90).

The 35 U. S. Code 103 Rejection of Claims 2(Amended)a and 9

Concerning the 28 August 2002 35 USCode 103 Rejection, the Examiner's attention is respectfully re-directed to applicant-Bland's

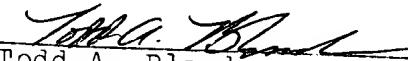
position taken in the immediately foregoing paragraph which, if hospitably entertained by the Examiner, would not necessitate further attention to the non-analogous CIOFALO art directed to non-shoe attached luminous warning devices.

Applicant-Bland notes with appreciation the Examiner's 28 August 2002 allowance of his dependent claims numbers 3-8, which have been alternatively cured of 35 U. S. Code 112 objections.

Accordingly, in view of the foregoing Amendments, Remarks and Arguments, it is respectfully urged that the sole remaining claim herein (Claim 10) and its dependent claims (Claim 2(Amendment) and Claims 3-9) all represent novel and unobvious subject matter for which Patent protection is warranted.

If any forthcoming Examiner's amendment of minor nature should be warranted, the Examiner is invited to initiate a telephonic conference call to applicant-Bland at 402-490-2279 or 402-894-0033 and along with his patent attorney Nimmer at 402-393-0151.

Respectfully submitted,


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